



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/172254

PRELIMINARY RECITALS

Pursuant to a petition filed February 22, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Pierce County Department of Human Services in regard to Medical Assistance, a hearing was held on March 24, 2016, at Ellsworth, Wisconsin.

The issue for determination is whether the county agency correctly determined the petitioner's BadgerCare Plus extension premium.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] [REDACTED]

Pierce County Department of Human Services
412 West Kinne Street
PO Box 670
Ellsworth, WI 54011

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Pierce County.
2. The county agency notified the petitioner on February 15, 2016, that beginning on February 1, 2016, she must pay a \$98 premium for her BadgerCare Plus coverage.

3. The petitioner earns \$2,169.40 per month.

DISCUSSION

When a household's income increases from below 100% of the federal poverty level to above that amount, those already receiving benefits remain eligible for another year under a BadgerCare extension, regardless of their income. *BadgerCare Plus Eligibility Handbook*, § 18.1. Premiums are assessed on a sliding scale ranging from 3% to 9.5% of income. *Id.*, § 19.2.2.2. After the petitioner reported that she no longer received self-employment income, the agency determined that her income is \$2,169.40 per month. This puts her income between 160% and 169.99% of the federal poverty level and results in a premium that is 4.5% of her gross income. *Id.*, § 48.1.2. When rounded to the nearest dollar, this premium is \$98, the amount the agency set the petitioner's at.

She contends that the agency did not correctly determine her income, but she could not provide any alternative determination. Thus, the only way to come up with an alternative income is to guess, which is not a valid means of determining benefits, especially when the guess would not be an educated one. If the petitioner continues to believe the agency is determining her income incorrectly, she must provide proof of her assertion and file a new appeal.

CONCLUSIONS OF LAW

The county agency correctly determined the petitioner's income.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 14th day of April, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 14, 2016.

Pierce County Department of Human Services
Division of Health Care Access and Accountability